

REMARKS

Applicant thanks the Examiner for the careful consideration given to the instant application. By this Amendment, claims 1, 30, 33 and 39 have been amended and claim 41 has been cancelled. No claims have been added. Thus, claims 1-3, 6, 14-16, 19, 25-30, 33-37, 39-40 and 42 are now pending.

The Examiner is respectfully requested to reconsider and allow the instant application in the view of the amendments and remarks contained herein.

OBJECTIONS TO THE DRAWINGS

The drawings stand objected to for certain informalities. More specifically, the Patent Office asserts that cables must be shown in the drawings or deleted from the claims. In response, Applicant has canceled claim 41, which was the only claim positively reciting cables. In view of this cancellation, Applicant respectfully submits that the drawings of the instant application now comply with 37 CFR §1.83(a). If the Examiner disagrees, however, Applicant will submit revised drawings illustrating cables as described in paragraph 25 of the instant application.

OBJECTIONS TO THE CLAIMS

Claims 33, 36, 37 and 39 stand objected to for certain informalities. In response, claim 33 has been amended to depend from claim 30. Further, claim 30 has been amended to provide clear antecedent basis for "the outer surface" as recited in claims 33, 36 and 37. In addition, claim 39 has been amended to recite "cables" instead of "said

cables." In view of these changes, Applicant respectfully requests the Examiner to reconsider and withdraw the objection to claims 33, 36, 37 and 39.

REJECTION UNDER 35 U.S.C. §103

Claims 30 and 33-37 stand rejected under §103(a) as being unpatentable over James et al. (U.S. Pat. No. 5,412,960) in view of Meyer (U.S. Pat. No. 1,788,118) or Sullivan et al. (U.S. Pat. No. 6,742,365). This rejection is traversed.

As amended herein, independent claim 30 recites a pedestal closure assembly comprising, among other things, a dome, a base and a lock. At least a portion of the lock is positioned on an interior portion of the dome. Further, said portion of the lock (on the interior portion of the dome) includes an outer surface free of sharp edges so as to avoid snagging cables when the dome is removed from or installed on the base. Whether considered or alone or in combination, the cited prior art fails to teach or suggest this recited subject matter.

James discloses a lock structure 22 for a pedestal enclosure. The lock structure 22 includes housing portions 25, 50 (referred to by James as a web 50 and legs 25) positioned inside the pedestal enclosure. However, and as noted by the Patent Office, the lock housing portions 25, 50 are not free of sharp edges.

Sullivan discloses a locking mechanism 2 for an electrical meter box. The locking mechanism 2 includes a lock body 6 for securing the cover of a meter box. Importantly, the lock body 6 is mounted *external* to the meter box. See, e.g., figure 21 of Sullivan. The lock body 6 is configured to withstand external tampering such as gripping, hammering, sawing and prying. See column 5, lines 35-45.

Meyer merely discloses a manhole cover 1 that can be locked to a manhole cover frame. See lines 4-7. The manhole cover 1 includes locking elements such as studs 3c-d and bars 7, which are protected by a guard 12 when the manhole cover 1 is resting on the ground.

In rejecting claim 30, the Patent Office asserts that it would have been obvious to modify the lock housing portions 25, 50 of James to be free of sharp edges in view of the teachings of Sullivan or Meyer. According to the Patent Office, one motivation for this modification would have been "to prevent tampering tools from engaging the outer surface of the lock housing." See page 4 of Office action. However, James' lock housing portions 25, 50 are positioned on an *interior portion* of the James enclosure. This is in contrast to Sullivan's lock body 6, which is positioned on an *exterior portion* of an electrical meter box and, for this reason, is configured to withstand external tampering such as gripping, hammering, sawing and prying. Because there is no reasonable expectation that James' internal lock housing portions 25, 50 would be subjected to tampering, one of ordinary skill would not have been motivated, as suggested by the Patent Office, to modify James' internal lock housing portions 25, 50 to prevent engagement of such portions 25, 50 by tampering tools. In this regard, claim 30 has been amended to specifically recite the lock portion that is free of sharp edges as being positioned on an *interior portion* of the dome.

According to the Patent Office, the other motivation for modifying James' internal lock housing portions 25, 50 to be free of sharp edges would have been to "inherently prevent the snagging of anything when the dome is installed or removed." See page 4 of Office action. Significantly, however, James, Sullivan and Meyer each fail to contain

any disclosure about snagging anything. Instead, this alternative motivation for the Patent Office's suggested modification of James appears to be derived from the instant application rather than the prior art, which is clearly improper.

Additionally, the Patent Office's reliance on Meyer appears misplaced. Applicant respectfully submits that, upon reviewing Meyer, one of ordinary skill would not have been motivated to modify James in any manner. This is because Meyer is wholly unrelated to pedestal closure assemblies or locks therefor. On the contrary, Meyer merely discloses a guard 12 for a manhole cover which protects locking elements such as studs 3c-d and bars 7 when the manhole cover 1 is placed on the ground. For this reason, Meyer is clearly nonanalogous art to the presently pending claims.

For all these reasons, the Patent Office is respectfully requested to reconsider and withdraw the rejection of claim 30 and claims 33-37 which depend therefrom.

Claims 39, 40 and 42 stand rejected under §103(a) as being unpatentable over James et al. in view of Meyer or Sullivan and further in view of Voegeli. However, claims 39, 40 and 42 depend from claim 30, which is patentable over James, Meyer and Sullivan for the reasons presented above. The addition of Voegeli fails to overcome the shortcomings of the other references discussed above. Accordingly, the Patent Office is respectfully requested to reconsider and withdraw the rejection of claims 39, 40 and 42.

Claims 1-3, 6 and 25-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over James in view of Meyer or Sullivan, and further in view of Hollister (U.S. Pat. No. 1,853,427) and Mahaney (U.S. Pat. No. 5,007,258). This rejection is respectfully traversed.

As amended herein, independent claim 1 recites a slide lock assembly for an outdoor pedestal closure comprising, among other things, a base connected to an *interior portion* of a dome of the pedestal closure and having an outer surface free of sharp edges.

As shown above, the combination of James with Meyer and/or Sullivan fails to teach or suggest a lock base connected to an interior portion of a pedestal closure dome, and having an outer surface free of sharp edges.

Moreover, applicant respectfully submits that one of ordinary skill would have found no teaching, suggestion or motivation for substituting James' pedestal closure lock with an automobile fuel tank lock as disclosed by Hollister.

For these reasons, applicant respectfully submits that amended claim 1 is allowable over the cited art, as are claims 2, 3, 6 and 25-29 which depend therefrom.

Claims 14 and 15, as well as claims 16 and 19, depend from amended claim 1, and are therefore allowable for the same reasons as those presented above with reference to claim 1.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

Dated: 9-18-06

By: 
Michael J. Thomas, Reg. No. 39,857

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, MO 63105
(314) 726-7500

MJT/mg